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MEMBER NJ & D.C. BARS

MEMBER NJ & NY BARS

JOSEPH J. GARVEY

ROBERT A. BALLOU, JR.

SUZANNE WHITE BALLOU

OUR FILE NO. 131.25598

May 7, 2021

ELECTRONICALLY FILED

Clerk of Court

United States District Court

Clarkson S. Fisher Building & U.S. Courthouse

402 East State Street

Trenton, NJ 08608

Re: Grace Abankwe v. Costco Wholesale Corporation
Docket No.: MER-L-919-21

Dear Clerk:

Please be advised that the undersigned has been retained to represent the defendant, Costco Wholesale Corporation, in connection with the above referenced matter.

In that regard, enclosed herein you will find defendant's Notice of Removal.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

/s/ Robert A. Ballou, Jr., Esq.

ROBERT A. BALLOU, JR

rballou@courthouselane.com

RAB:ch

Enclosure

cc: Deb Hartigan 571648-GB-01

Patricia Z. Boguslawski, Esq., Patricia@dsslaw.com

GARVEY, BALLOU

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PO Box 730

Allenwood, NJ 08720

(732) 341-1212

Attorneys for Defendant(s), Costco Wholesale Corporation

Our File No. 131.25598 RAB/ch

Attorney ID#: 017381982

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

GRACE ABANKWE

Plaintiff(s),

vs.

COSTCO WHOLESALE CORPORATION,
JOHN DOE(s) 1-10 (fictitious
names representing unknown
individuals) and/or XYZ CORP(s).
1-10 (fictitious names
representing unknown
corporations, partnerships
and/or Limited Liability
Companies or other types of
legal entities)

Defendant(s)

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: MERCER COUNTY

DOCKET NO. MER-L-919-21

Civil Action

NOTICE OF REMOVAL

Notice of Removal of State Court Action to U.S. District Court

PLEASE TAKE NOTICE that defendant, Costco Wholesale Corporation ("Costco"), through its undersigned counsel, hereby files this Notice of Removal pursuant to 28 U.S.C. §1446. Costco hereby removes to the District Court of New Jersey all claims and causes of action in the civil action ***Grace Abankwe v Costco Wholesale Corporation***, Docket No. MER-L-919-21, now pending in the Superior Court of New Jersey, Law Division, Mercer County (the "State Court Action").

The grounds for removal are as follows:

28 U.S.C. § 1446

1. On January 6, 2020, plaintiff, residing in Princeton, New Jersey, Mercer County, New Jersey, filed a Complaint in the Superior Court, Law Division, Mercer County against Costco Wholesale Corporation asserting a claim under State Law.

2. This Notice of Removal is filed in the United States District Court for the District of New Jersey, the District Court of the United

States for the District and Division within which the State Action is pending. 28 U.S.C. § 1446(a); 1441(a).

3. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure. 28 U.S.C. § 1446(a).

4. Annexed hereto as **Exhibit "A"** is a copy of the Complaint and process served upon the defendant in the State Action. 28 U.S.C. § 1446(a).

5. The Complaint was filed on April 30, 2021, and served upon defendant.

6. As of this date, none of the defendants have filed a responsive pleading in the action commenced by plaintiff in the Superior Court of New Jersey, Law Division, Mercer County, and no other proceedings have transpired in that action.

7. The Complaint arises from the plaintiff's contention that on January 6, 2020, while at Costco Wholesale Store located at 410 Quakerbridge Road, in Lawrenceville, New Jersey she tripped and fell. She claims personal injuries as a result for which she seeks damages.

8. It is clear the amount in controversy will exceed \$75,000. In that regard, this factor for removal is based upon allegations in the Complaint as to the plaintiffs' injuries as noted above.

9. As of the filing of this Notice of Removal, the undersigned has no knowledge that any other defendant has been successfully served pursuant to 28 U.S.C. § 1446(b)(2)(A) and therefore cannot and need not obtain consent of the other named defendant.

10. This Notice is now filed with the Court on May 7, 2021, within thirty (30) days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, and within one (1) year of commencement of the State Action. 28 U.S.C. § 1446(b).

11. Annexed hereto as **Exhibit "B"** is the Notice to the Clerk of the Superior Court Mercer County of Removal of Action to the United States District Court with regard to the State Action, which will be filed with the Clerk upon return of this Notice of Removal stamped "received". 28 U.S.C. § 1446(d).

12. Annexed hereto as **Exhibit "C"** is the Notice to Adversary of Removal of Action, which will be served promptly upon return of this Notice of Removal stamped "received". 28 U.S.C. § 1446(d).

28 U.S.C. § 1441

13. This Notice of Removal is filed in the District of New Jersey, the District Court of the United States for the District and Division

embracing the place where the State Action is pending. 28 U.S.C. § 1441(a); 1446(a).

14. The plaintiff is a citizen of the State of New Jersey, residing at 100 Albert Way, Princeton, New Jersey 08540.

15. Defendant, Costco is a Corporation with its principle place of business in State of Washington where it was incorporated and where it has its principle place of business with corporate headquarters located at 999 Lake Dr., Issaquah, Washington 98027.

16. The State Action is a Civil Action of which District Courts of the United States have original jurisdiction by virtue of a claim where the matter in controversy exceeds the sum or value of Seventy Five Thousand (\$75,000.00) Dollars, exclusive of interest and costs and is between citizens of different states. 28 U.S.C. § 1332(a).

17. Since our original filing, I have spoken with plaintiff's attorney, Patricia Z. Boguslawski, Esq., of the Davis, Saperstein & Salomon Law Firm following-up on my Request for Statement of Damages. Based upon the foregoing, he was unable to stipulate plaintiff's damages in an amount below \$75,000.00.

WHEREFORE, please take notice that this cause should proceed in the United States District Court for the District of New Jersey, as an action properly removed thereto.

GARVEY BALLOU

BY: /s/ Robert A. Ballou, Jr.
ROBERT A. BALLOU, JR., ESQ.
Attorneys for Defendant
Costco Wholesale Corporation

Dated: May 7, 2021

EXHIBIT A

Patricia Z. Boguslawski, Esq. - 007602004
DAVIS, SAPERSTEIN & SALOMON, P.C.
375 Cedar Lane
Teaneck, New Jersey 07666-3433
(201) 907-5000
Fax: (201) 692-0444
Attorneys for Plaintiff(s),

Grace Abankwe,

Plaintiff(s),

- vs -

Costco Wholesale Corporation, John Does 1-10 (fictitious names representing unknown individuals) and/or XYZ Corps. 1-10 (fictitious names representing unknown corporations, partnerships and/or Limited Liability Companies or other types of legal entities)

Defendant(s).

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MERCER COUNTY

DOCKET NO: MER-L-

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiff Grace Abankwe residing in the County of Mercer, 100 Albert Way, Princeton, New Jersey, 08540, by way of Complaint against the Defendants says:

FIRST COUNT

1. On or about January 6, 2020, the Plaintiff Grace Abankwe was a business invitee lawfully upon the premises owned, operated, leased, controlled, supervised, managed and/or maintained and/or repaired and/or inspected by the Defendants Costco Wholesale Corporation, John Does 1-10 and/or XYZ Corps. 1-10 located at or near 4100 Quakerbridge Road, in the Township of Lawrence (Lawrenceville), County of Mercer, and the State of New Jersey.

2. Upon information and belief, at all relevant times herein mentioned, the Defendant Costco Wholesale Corporation was a foreign profit corporation authorized to do business in the State of New Jersey, with its main business address located at 999 Lake Drive, Issaquah, Washington, 98027.

3. At the aforesaid time and place, due to the careless, reckless and negligent ownership, operation, lease, control, supervision, management and/or maintenance and/or repair and/or inspection of the premises by the Defendants Costco Wholesale Corporation, John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Grace Abankwe was caused to trip and fall, thereby causing the Plaintiff Grace Abankwe to sustain severe personal injuries.

4. As a direct and proximate result of the aforesaid carelessness, recklessness, and negligence of the Defendants Costco Wholesale Corporation, John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Grace Abankwe was injured in and about her mind and body; was and will in the future be caused great pain and suffering to her mind and body; was and will in the future be obliged to expend great sums of money for medical aid and attention; has sustained economic loss; and was and will in the future be unable to attend to her usual pursuits and occupations and was further damaged.

WHEREFORE, the Plaintiff Grace Abankwe demands judgment against the Defendants Costco Wholesale Corporation, John Does 1-10 and/or XYZ Corps. 1-10, individually, jointly or severally, for damages together with interest and costs of suit.

SECOND COUNT

1. Plaintiff Grace Abankwe repeats each and every allegation of the First Count of the Complaint as if set forth at length herein verbatim.

2. At the aforesaid time and place, the Defendants Costco Wholesale Corporation, John Does 1-10 and/or XYZ Corps. 1-10 were independent contractors responsible for the upkeep and/or maintenance and/or repairs and/or inspection of the aforementioned premises.

3. As a direct and proximate result of the careless, reckless, and negligent upkeep and/or maintenance and/or repair and/or inspection of the premises by the Defendants Costco Wholesale Corporation, John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Grace Abankwe was caused to trip and fall, thereby causing the Plaintiff Grace Abankwe to sustain severe personal injuries.

4. As a direct and proximate result of the aforesaid carelessness, recklessness and negligence of the Defendants Costco Wholesale Corporation, John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Grace Abankwe was injured in and about her mind and body; was and will in the future be caused great pain and suffering to her mind and body; was and will in the future be obliged to expend great sums of money for medical aid and attention; has sustained economic loss; and was and will in the future be unable to attend to her usual pursuits and occupations and was further damaged.

WHEREFORE, the Plaintiff Grace Abankwe demands judgment against the Defendants Costco Wholesale Corporation, John Does 1-10 and/or XYZ Corps. 1-10, individually, jointly or severally, for damages together with interest and costs of suit.

THIRD COUNT

1. Plaintiff Grace Abankwe repeats each and every allegation of the First and Second Counts of the Complaint as if set forth at length herein verbatim.

2. At the aforesaid time and place, the Defendants John Does 1-10 was an unknown person or persons whose actions caused and/or contributed, directly or indirectly, to the incident herein and the injuries and damages suffered by the Plaintiff Grace Abankwe.

3. At the aforesaid time and place, the Defendants XYZ Corps. 1-10 was an unknown business, corporation and/or entity, whose agents, servant and/or employee's actions caused and/or contributed, directly or indirectly, to the incident herein and the injuries and damages suffered by the Plaintiff Grace Abankwe.

4. As a direct and proximate result of the aforesaid carelessness, recklessness and negligence of the Defendants John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Grace Abankwe was injured in and about her mind and body; was and will in the future be caused great pain and suffering to her mind and body; was and will in the future be obliged to expend great sums of money for medical aid and attention; has sustained economic loss; and was and will in the future be unable to attend to her usual pursuits and occupations and was further damaged.

WHEREFORE, the Plaintiff Grace Abankwe demands judgment against the Defendants John Does 1-10 and/or XYZ Corps. 1-10 individually, jointly or severally, for damages together with interest and costs of suit.

DAVIS, SAPERSTEIN & SALOMON, P.C.
Attorneys for Plaintiff(s)

Patricia Z. Boguslawski

Dated: April 30, 2021

BY: Patricia Z. Boguslawski, Esq.
For the Firm

JURY DEMAND

Plaintiff hereby demands a trial by jury on all triable issues raised in the various Counts of the Complaint.

DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby designates Patricia Z. Boguslawski, Esq. as trial counsel in this matter.

DAVIS, SAPERSTEIN & SALOMON, P.C.
Attorneys for Plaintiff(s)

Patricia Z. Boguslawski

Dated: April 30, 2021

BY: Patricia Z. Boguslawski, Esq.
For the Firm

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to Rule 4:17-1(B)(1), et seq., Plaintiff hereby demands that Defendant answer Form "C" Uniform Set of Interrogatories of Appendix II, and supplemental Form "C2", within the time prescribed by the Rules of Court.

Plaintiff reserves the right to propound additional supplemental Interrogatories pursuant to the Rules of Court.

CERTIFICATION

I certify, pursuant to R.4:5-1, that to the best of my knowledge, information and belief at this time, the matter in controversy is not the subject matter of any other action pending in any other court, nor of any pending arbitration proceeding; that no other action or arbitration is contemplated; and that there are no other parties who should be joined in this action.

DAVIS, SAPERSTEIN & SALOMON, P.C.
Attorneys for Plaintiff(s)

Patricia J. Boguslawski

Dated: April 30, 2021

BY: Patricia Z. Boguslawski, Esq.
For the Firm

Civil Case Information Statement

Case Details: MERCER | Civil Part Docket# L-000919-21

Case Caption: ABANKWE GRACE VS COSTCO
WHOLESALE COR PORATION

Case Initiation Date: 04/30/2021

Attorney Name: PATRICIA ZANGRILLI BOGUSLAWSKI

Firm Name: DAVIS SAPERSTEIN & SALOMON PC

Address: 375 CEDAR LN

TEANECK NJ 07666

Phone: 2019075000

Name of Party: PLAINTIFF : Abankwe, Grace

Name of Defendant's Primary Insurance Company
(if known): SELF INSURED

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Are sexual abuse claims alleged by: Grace Abankwe? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

04/30/2021

Dated

/s/ PATRICIA ZANGRILLI BOGUSLAWSKI

Signed

EXHIBIT B

GARVEY, BALLOU

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
PO Box 730
Allenwood, NJ 08720
(732) 341-1212

Attorneys for Defendant(s), Costco Wholesale Corporation
Our File No. 131.25598 RAB/ch
Attorney ID#: 017381982

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

GRACE ABANKWE

Plaintiff(s),

vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MERCER COUNTY
DOCKET NO. MER-L-919-21

Civil Action

COSTCO WHOLESALE CORPORATION,
JOHN DOE(s) 1-10 (fictitious
names representing unknown
individuals) and/or XYZ CORP(s).
1-10 (fictitious names
representing unknown
corporations, partnerships
and/or Limited Liability
Companies or other types of
legal entities)

Defendant(s)

**NOTICE TO THE CLERK OF THE
SUPERIOR COURT MERCER COUNTY OF
REMOVAL OF ACTION TO THE UNITED
STATES DISTRICT COURT**

TO: Mercer County Superior Court
175 South Broad St.
Trenton, NJ 08650

Sir/Madam:

PLEASE TAKE NOTICE that attached hereto is a copy of a Notice of Removal of this case, which has been filed with the Clerk of the United States District Court for the District of New Jersey, removing this action to federal court.

GARVEY BALLOU

BY: /s/ Robert A. Ballou, Jr.
ROBERT A. BALLOU, JR., ESQ.
Attorneys for Defendant
Costco Wholesale Corporation

Dated: May 7, 2021

EXHIBIT C

GARVEY, BALLOU

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
PO Box 730

Allenwood, NJ 08720
(732) 341-1212

Attorneys for Defendant(s), Costco Wholesale Corporation

Our File No. 131.25598 RAB/ch

Attorney ID#: 017381982

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

GRACE ABANKWE

Plaintiff(s),

vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MERCER COUNTY
DOCKET NO. MER-L-919-21

Civil Action

COSTCO WHOLESALE CORPORATION,
JOHN DOE(s) 1-10 (fictitious
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1-10 (fictitious names
representing unknown
corporations, partnerships
and/or Limited Liability
Companies or other types of
legal entities)

**NOTICE TO ADVERSARY OF REMOVAL OF
ACTION**

Defendant(s)

TO: Patricia Z. Boguslawski, Esq.
Davis, Saperstein & Salomon
375 Cedar Lane
Teaneck, NJ 07666
Attorney for Plaintiffs

Sir/Madam:

PLEASE TAKE NOTICE that in the above-entitled action, defendant, Costco Wholesale Corporation, have this day filed a Notice of Removal, a copy of which is attached hereto, in the Office of the Clerk of the United States District Court for the District of New Jersey. You are also advised that the defendant, upon filing of said Notice of Removal, filed a copy of the Notice with the Clerk of the Superior Court of New Jersey, Law Division, Burlington County, which has effected this removal, in accordance with 28 U.S.C. § 1446 (B).

GARVEY BALLOU

BY: /s/ Robert A. Ballou, Jr.

ROBERT A. BALLOU, JR., ESQ.

Attorneys for Defendant

Costco Wholesale Corporation

DATED: May 7, 2021